

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

HAYNES INTERNATIONAL, INC.,)	
a Delaware corporation,)	
)	
Plaintiff,)	Civil Action No. 04-197(E)
)	
v.)	JURY TRIAL DEMANDED
)	
ELECTRALLOY, a Division of G.O.)	
CARLSON, INC.,)	Judge Cohill
a Pennsylvania corporation,)	
)	
Defendant.)	

**PLAINTIFF'S MOTION FOR PARTIAL
SUMMARY JUDGMENT ON COUNT 1 FOR FEDERAL
TRADEMARK INFRINGEMENT AND COUNT 2 FOR
UNFAIR COMPETITION AND FALSE DESIGNATION OF ORIGIN**

Pursuant to Federal Rule of Civil Procedure 56(a), Plaintiff, Haynes International, Inc. (hereinafter "Haynes"), hereby moves this Honorable Court for an Order granting partial summary judgment in favor of Haynes on Counts 1 and 2 asserted in this action, finding that Defendant's use of C22, EC22 and GOC22 infringe Haynes' United States Trademark Registration No. 1,953,864 for "C-22", and further that Defendant's use of C22, EC22 and GOC22 in connection with the sale of alloy products constitutes unfair competition and false designation of origin in violation of § 43(a) of the Lanham Act, 15 U.S.C. § 1125(a).

Plaintiff's supporting brief and certain exhibits thereto are required to be filed under seal. Accordingly, Plaintiff is filing today a Motion for Leave to File Documents Under Seal. Plaintiff is filing this Motion for Partial Summary Judgment and all non-confidential exhibits electronically with the Court today. Plaintiff's supporting brief and the confidential exhibits are being filed under seal with the Court.

As set forth more fully in Plaintiff's Brief in Support of its Motion for Partial Summary Judgment, which is being filed under seal and is specifically incorporated herein, there are no genuine issues of material fact and Haynes is entitled to such a ruling as a matter of law. A proposed form of Order is submitted herewith.

Respectfully submitted,

BUCHANAN INGERSOLL PC

Dated: September 27, 2005

By: /s/ *Bryan H. Opalko*
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CERTIFICATE OF SERVICE

The undersigned certifies that on this 27th day of September, 2005, a true and correct copy of the foregoing PLAINTIFF'S MOTION FOR PARTIAL SUMMARY JUDGMENT ON COUNT 1 FOR FEDERAL TRADEMARK INFRINGEMENT AND COUNT 2 FOR UNFAIR COMPETITION AND FALSE DESIGNATION OF ORIGIN was served on the attorneys for Defendant by first class mail, postage prepaid, addressed as follows:

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